IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1113 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ANSUYABEN BABULAL

Versus

UMEDBHAI CHHAGANLAL SOLANKI

Appearance:

MR YATIN SONI for Petitioners No. 1-2

MR KISHOR M PAUL for Respondent

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 07/11/2001

ORAL JUDGEMENT

Rule. Mr.K.M.Paul, waives service of rule on behalf of the respondent.

2. Heard learned counsel for the respective parties. The petitioners are the defendants in Regular Civil Suit

No.179 of 1995 in Small Cause Court, Rajkot. They gave an application for leave to amend the written statement saying that by mistake in para-3 of the written statement, the averments made in para-3 of the plaint were admitted. It is obvious from the averments made in other paragraphs of the written statement that the petitioners had no intention to admit the averments in question. It was an obvious mistake, which was sought to be corrected by the amendment.

3. In the circumstances, the impugned order is set aside. The application Exh.42 for leave to amend made by the petitioners is allowed and leave to amend is granted as prayed for in the said application. Rule is made absolute accordingly.

(M.C.Patel,J.)

vrp